

REMARKS/ARGUMENTS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

On January 19, 2007 an Information Disclosure Statement with Form PTO/SB/08a was filed in the subject application. As of the present date, however, the initialed and dated PTO/SB/08a has not been returned to the offices of the undersigned. Please return an initialed and dated copy of the January 19, 2007 form PTO/SB/08a with the next Official Communication.

Claim 23 was rejected under 35 USC 112, second paragraph, as being indefinite. The Examiner advised that it was unclear what specifically is meant by the phrase "opening away" in light of the illustrations in Figure 1, 9 and 10. In this regard, it is respectfully submitted that the "opening" as used in claim 23 does not refer to the hole for shaft 62 but rather the receptacle 120 defined in the cover. The specification refers to the "opening side" of the recess 120 for example on page 7, line 23. In this regard, the receptacle 120 has a closed end defined by connective portion 72 and opens away from the armature and away from connective portion 72 to receive the at least one bearing member 26. In view of the foregoing, it is believed that the terminology used in claim 23 is clear, but if the Examiner would prefer terminology other than that used (which as noted is believed to be consistent with the specification), then it is respectfully requested that the Examiner revise the same by Examiner's amendment.

Claims 1-6, 13-18 and 22-23 were rejected under 35 USC 103(a) as unpatentable over Takemoto in view of Moroto. Applicant respectfully traverses this rejection.

Claims 1, 3 and 19 have been revised above to provide more specifically that the cover 70 is a separate member from housing 12 and rotatable with the rotor (coils) 40, and that a drawing force generative means 14, 16, 20 supplies fuel into housing 12. New claims 25-27 define the feature of a fuel pump without reciting any cover. It is

respectfully submitted that neither Takemoto nor Moroto teach a cover on an axial end face of a rotor at a side facing a pump section to smooth the flow of fuel from the pump section to the motor.

In Takemoto, rotor 4 of the motor has no coils and no cover. Therefore, the present invention as defined in claims 1, 3 and 19 is not anticipated. The Examiner characterizes Takemoto as including a case member 7. However, the Examiner also characterizes reference numeral 7 as corresponding to the claimed cover. It is respectfully submitted that the Examiner's original interpretation of component 7 is correct; reference numeral 7 identifies a housing or case enclosing the rotor. Housing 7 is not, however, a cover that covers an end of the armature. This has been emphasized by further defining the recess in the cover in claim 1 and the smooth fuel flow in claim 19 and by characterizing the cover as rotatable with the coils/rotor in claims 1, 3 and 19. This has also been underscored in the claims presented by defining the cover as disposed between the bearing member and the recess in the rotor (claims 21 and 22) and by characterizing the recess in the cover as defining a receptacle opening away from the armature that at least partially receives the bearing (claim 23). In Takemoto the casing 7 has a projecting portion 7d in which a bearing is disposed, but there is no teaching in Takemoto of a cover having a recessed portion that opens away from the armature and receives at least a portion of the bearing.

Apparently recognizing the deficiencies of Takemoto, the Examiner cites the secondary reference to Moroto. Moroto teaches a rotor 4 of a motor that has coils 7 but no cover that covers the rotor end surface. Thus, both Takemoto and Moroto fail to teach an arrangement that allows fuel to flow through a motor section and has a cover for the rotor. Therefore, even if the rotor 4 of Moroto is applied to Takemoto, the present invention would still not result. It is therefore respectfully submitted that the invention specifically defined in claims 1, 3 and 19 is not anticipated by nor obvious from Takemoto taken alone or in combination with Moroto.

In response to applicant's argument, the Examiner has asserted that it within reasonable interpretation that housing 7 of Takemoto covers the rotor. In view of the Examiner's interpretation of the housing as defining the cover claimed by applicant, claims 1, 3 and 19 have been amended above so as to recite more specifically that the cover is rotatable with the coils/rotor. Clearly the housing identified by the Examiner does not rotate with the rotor and thus does not read on the claimed cover. Regarding the Examiner's assertion that none of the claims include limitations drawn to an arrangement that allows fuel to flow through a motor section, claim 3 has been amended in this regard.

For all the reasons advanced above, reconsideration and withdrawal of the rejection over Takemoto and Moroto is solicited.

Claims 19-21 were rejected under 35 USC 103(a) as unpatentable over the references applied against claims 1-6 and 13-18 in view of Harakawa et al. Applicant respectfully traverses this rejection.


Harakawa is newly cited as teaching a refrigerant supply and flow into a motor (stator (104) and rotor (105)). However, Harakawa does not teach or suggest a cover as set forth in claim 19 on an axial end face of the rotor at a side facing a pump section to smooth the flow of fuel from the pump section into the motor. Harakawa also fails to teach or suggest a cover rotatable with the rotor. It is therefore respectfully submitted that claims 19-21 are also patentable over the record prior art.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

IWANARI
Appl. No. 10/730,916
September 12, 2007

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
Michelle N. Lester
Reg. No. 32,331

MNL:slj
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100